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COMMUNITY COLLEGE DISTRICT, et al.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

TABIA LEE,

Plaintiff,

vs.

THE FOOTHILL-DE ANZA
COMMUNITY COLLEGE DISTRICT,
DE ANZA COLLEGE; ALICIA CORTEZ
and THOMAS RAY, in their individual
capacities,

Defendant(s).

Case No. 5:23-CV-03418-NW

**DEFENDANTS' STATEMENT OF
NONOPPOSITION TO MOTION TO BE
RELIEVED AS PLAINTIFF'S COUNSEL**

Hearing Date: May 21, 2025
Time: 9:00 a.m.
Dept: Courtroom 3 – 5th Floor

Pursuant of Local Civil Rule 7-3, Defendants file a Statement of Nonopposition to the Motion To Be Relieved As Counsel (“Motion”) filed by Plaintiff Tabia Lee’s legal counsel Neal S. Zaslavsky and Michael Thad Allen due to Plaintiff’s termination of the attorney-client relationship with Mr. Zaslavsky and Mr. Allen.

Defendants do not oppose the Motion because Mr. Zaslavsky, Mr. Allen, and Plaintiff submitted Declarations in support of the Motion each attesting that on March 10, 2025, Plaintiff notified Mr. Zaslavsky and Mr. Allen that she was terminating their legal services immediately and directed them to take no further action on her behalf. Additionally, Mr. Zaslavsky and Mr.

1 Allen further attest that upon receiving Plaintiff's March 10, 2025 notification, they conferred
2 with Plaintiff concerning the consequences of her decision and believe that Plaintiff fully and
3 completely understood that her two options were to proceed *pro se* or obtain successor counsel.

4 While Defendants will not oppose the Motion under these circumstances where counsel
5 and client are in agreement to end their attorney-client relationship, Defendants have concerns
6 about the current status of the case that they wish to bring to the Court's attention. Plaintiff Tabia
7 Lee dismissed her attorneys on March 10, 2025, knowing that the Court (Judge Eumi K. Lee) had
8 dismissed her Second Amended Complaint in its entirety on February 23, 2025, with limited
9 leave to amend in part, and with prejudice and without leave to amend in part. (ECF No. 74).
10 Judge Lee's Order granted Plaintiff 21 days (i.e. by March 17, 2025) to file a Third Amended
11 Complaint consistent with the Court's Order. The Court's March 17, 2025 deadline to file a
12 Third Amended Complaint complying with the Court's Order was disregarded by Plaintiff and
13 Plaintiff's counsel of record. No Third Amended Complaint, or any other pleading, was filed by
14 Plaintiff in *pro se* or on Plaintiff's behalf by the Court-ordered deadline of March 17, 2025.
15 Additionally, Plaintiff's counsel did not respond to Defense counsel's attempts to confer and file
16 a Supplemental Joint Case Management Conference Statement by March 17, 2025, per the
17 February 24, 2025 Order Reassigning Case (ECF No. 75.) Receiving no response from Plaintiff's
18 counsel, Defendants filed an individual Supplemental Case Management Conference Statement
19 on March 17, 2025, to comply with the Court's reassignment Order. (ECF No. 76.) Moreover,
20 although Plaintiff dismissed her legal counsel on March 10, 2025, the Motion To Be Relieved As
21 Counsel was not filed until March 21, 2025 (after the March 17, 2025 Court-ordered deadline for
22 filing a Third Amended Complaint). Finally, we were not consulted about the May 21, 2025
23 hearing date on this Motion as required by the Court's Standing Order For all Civil Cases, § C.
24 Had we been consulted by counsel as required, we would have advised that Defense counsel will
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1 be out of state on pre-planned vacations on May 21, 2025, and not able to attend a hearing on that
2 date.

3
4 Dated: April 4, 2025

PLAZA DE JENNINGS & CHIPMAN LLP

5 By: /s/ Jayne Benz Chipman

6 Carmen Plaza de Jennings
Jayne Benz Chipman

7 Attorneys for Defendants
8 THE FOOTHILL-DE ANZA
9 COMMUNITY COLLEGE DISTRICT et al,
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ATTORNEYS AT LAW
ALAMEDA